

IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

IN THE MATTER OF: : CASE NO. 16-11430
 : (Chapter 13)
 :
SYLVESTOR L. PRICE : JUDGE: JEFFERY P. HOPKINS
SHERRIE M. PRICE :
 :
Debtors : MOTION FOR AUTHORITY TO SELL
 : REAL PROPERTY AND TO
 : DISTRIBUTE PROCEEDS

Now comes Debtors herein, Sylvestor L. Price & Sherrie M. Price, and represent to the Court that the Petition for Adjustment of Debts under Chapter 13 Title 11 U.S.C. was filed on the 15th day of April, 2016, and the plan was confirmed on the 13th day of July, 2016.

Debtors further state that their Plan provided that the indebtedness on the first mortgage on the property located at 6620 Highland Avenue, Cincinnati, Ohio 45236 was to be sold and paid outside the Plan, and that the other debts were to be paid by the Trustee inside the Plan. The Debtors ask the Court for permission to sell the property.

Pursuant to LBR 6004-1(d), the following information is supplied:

- A. Debtors' Chapter 13 Plan was confirmed on July 13, 2016.
- B. The real estate is located at: 6620 Highland Avenue, Cincinnati, Ohio 45236
- C. The property is not the Debtors' principal residence.
- D. The sale price is \$90,000.00. A copy of the Contract to Purchase is attached.
- E. The valuation of the property in the original Chapter 13 was \$95,000.00.
- F. The first mortgage holder is now Caliber Home Loans, Inc. (balance is approximately \$70,000.00).
- G. Debtors will pay all net proceeds from the sale to the Chapter 13 Trustee.
- H. The original Plan did provide for the sale of said real estate.
- I. There is no relationship of the buyer to the Debtors.

Any creditor receiving funds at the closing must immediately file an Amended Claim with the Clerk's Office and serve a copy upon the Trustee.

Closing Procedures. The closing agent shall coordinate with the Trustee in making the arrangements for the closing and shall obtain the Trustee's approval before proceeding with the closing. The Trustee is authorized to permit the closing agent to make direct disbursements on behalf of the Trustee at closing on any claims so provided for by the plan or court order in which event it will not be necessary for the Trustee to attend the closing. Any of these disbursements shall be considered as if made by the Trustee for the purposes of the Trustee collecting the percentage fee fixed pursuant to 28 U.S.C. section 583(e)(1)(B).

Proceeds and Closing Statement. If the Trustee does not attend the closing, the closing agent shall cause to be delivered to the Trustee within three (3) working days after closing, the net proceeds of the closing and a copy of the signed closing statement. The preliminary closing statement must still be sent one (1) day before closing to the Trustee and Debtors' Counsel. Such statement shall show:

- (A) the amount paid to each lienholder;
- (B) the amount of any real estate taxes paid;
- (C) the name of and amount paid to any realtor;
- (D) any deductions from the sale proceeds with an explanation therefore;
- (E) any closing costs;
- (F) the calculation of the total deductions from the sale proceeds and the amount of sale proceeds being paid to the plan.

Any funds due to the Chapter 13 Trustee according to the plan must be sent within three(3) days of closing. Any mortgage amounts due, and real estate liens including arrearages, should be paid at the closing. If any figures change at the closing, a revised closing statement should be sent to the Chapter 13 Trustee.

WHEREFORE, Debtors ask the Court for authority to sell the property and to pay all the net proceeds to the mortgagee, lienholder, if any, and Chapter 13 out of the proceeds.

/s/ John W. Rose

John W. Rose 0029888

Attorney for Debtors

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IN THE UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

IN RE: : CASE NO. 16-11430
 : (Chapter 13 - Judge Hopkins)
SYLVESTOR L. PRICE :
SHERRIE M. PRICE :
 : NOTICE OF MOTION FOR AUTHORITY
Debtors : TO SELL REAL PROPERTY
 :

The above captioned Debtors have filed papers with the Court for authority to sell real property pursuant to LBR 6004-1(d).

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the Court to grant the authorization to sell real estate, or if you want the Court to consider your views on the Motion for Authority to Sell Real Property and to Distribute Proceeds, then on or before twenty-one (21) days from the date noted on the certificate of service on both the Motion and Notice, you or your attorney must file with the Court a written request for a hearing at:

United States Bankruptcy Court
Atrium Two - Suite 800
221 E. Fourth Street
Cincinnati, Ohio 45202

If you mail your request for hearing to the Court for filing, you must mail it early enough so the Court will receive it on or before twenty-one (21) days from the date noted on the certificate of service stated below.

You must also mail a copy to:

| | | |
|--------------------------|-----------------------------|---------------------------------|
| John W. Rose | Margaret A. Burks | U. S. Trustee |
| Attorney for Debtors | Chapter 13 Trustee | 36 East 7 th Street, |
| 35 E. 7th St., Suite 610 | 600 Vine Street, Suite 2200 | Suite 2030 |
| Cincinnati, OH 45202 | Cincinnati, OH 45202 | Cincinnati, OH 45202 |

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the Motion and may enter an order granting that relief.

/s/ John W. Rose

John W. Rose
Attorney for Debtors

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Motion for Authority to Sell Real Property and to Distribute Proceeds and Notice of Motion for Authority to Sell Real Property and to Distribute Proceeds were served (i) electronically on the date of filing through the court's ECF system on all ECF participants registered in this case at the email addresses registered with the Court and (ii) by ordinary U.S. mail on February 23, 2018 addressed to:

Sylvester L. Price, Debtor
Sherrie M. Price, Debtor
7063 Lakota Ridge Drive
Hamilton, Ohio 45011

Caliber Home Loans, Inc.
13801 Wireless Way
Oklahoma City, OK 73134

All Non-ECF Creditors on the attached matrix

/s/ John W. Rose

John W. Rose 0029888
Attorney for Debtors